

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicant respectfully submits that the pending claims comply with 35 U.S.C. § 112, comply are not anticipated under 35 U.S.C. § 102. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicant respectfully requests that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicant will now address each of the issues raised in the outstanding Office Action.

Rejections under 35 U.S.C. § 112

Claim 48 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Since claim 48 has been canceled, this ground of rejection is rendered moot.

Rejections under 35 U.S.C. § 102

Claims 1-21 and 48-64 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No.

6,850,271 ("the Ichikawa patent"). Since these claims have been canceled, this ground of rejection is rendered moot.

New claims

New independent claim 65 is patentable because the cited art neither teaches, nor makes obvious, (1) a storing unit **storing** a plurality of pieces of first correction information and **a plurality of pieces of second correction information** used when a visible image is formed at an external device based on the image data, the first correction information being correction information for correcting the image data at the external device based on the image capturing condition set by the setting unit, **the second correction information being correction information for preventing at least a part of a correction process based on the first correction information from being performed when the image data is corrected at the external device based on the first correction information**, (2) a selecting unit selecting first correction information corresponding to the image capturing condition set by the setting unit from among the plurality of pieces of first correction information stored in the storing unit, and (3) an outputting unit **associating** the first correction information selected by the selecting unit corresponding to the image capturing condition and **the second information corresponding to the first correction information with image data**, and **outputting** the first correction information and **the second correction information in association with the**

image data to the external device. New independent claim 77 is similarly patentable.

New independent claim 71 is patentable because the cited art neither teaches, nor makes obvious, (1) a storing unit **storing** image forming instruction information used when a visible image is formed at an external device based on the image data, the image forming instruction information stored in the storing unit comprising first correction information for correcting the image data at the external device based on the image capturing condition set by the setting unit, second correction information for correcting the image data at the external device based on the shooting mode selected by the shooting mode selecting unit, and **third correction information for preventing at least a part of a correction process on the first correction information and the second correction information from being performed when the image data is corrected at the external device based on the first correction information and the second correction information**, (2) a selecting unit selecting the first correction information or the second correction information stored in the storing unit based on the image capturing condition set by the setting unit or the shooting mode selected by the shooting mode selecting unit, and (3) an outputting unit **associating** one of the first correction information and the second correction information selected by the selecting unit, and **the third correction information corresponding to the selected first correction information or second correction information, with the image data, and outputting** the first correction information or the second correction information, and the **third correction**

information in association with the image data to the external device. New independent claim 78 is similarly patentable.

In the Ichikawa patent, print information 63B (white balance correction amount, brightness correction amounts, etc.) is recorded on smart media 63. (See, e.g., 63B1-63B5 of FIG. 2 of the Ichikawa patent.) Such print information might be characterized as correction information used when image data is corrected at an external device such as a printer. However, such print information does not include (and cannot be characterized as) correction information **for preventing at least a part of a process in the correction process under a predetermined condition stored.** Therefore, when correction information (used when image data is corrected at an external device, such as a printer) is selected by a selecting unit of an exemplary embodiment of the present invention, if the above-mentioned "correction information" is inconsistent with a user's selection, at least a part of the correction information is changed. In this way, the correction is not performed based on the selected correction information. On the other hand, since the print information of the Ichikawa patent does not include (and cannot be characterized as) correction information **for preventing at least a part of a process in the correction process under a predetermined condition,** such information is not stored in the Ichikawa patent. Consequently, in the Ichikawa patent, control obviously cannot be performed based on such non-existent information.

New claims 66-70 and 72-76 directly or indirectly depend from claims 65 and 71, respectively, and are patentable for the respective reasons discussed above. Dependent claims 67-70 and 73-76 further define a priority of shooting modes or of image capture conditions. The Examiner noted that he:

is reading the combination of elements 63B and 63C [of the Ichikawa patent] as the image forming instruction information, in which element 63B represent[s] print information which is related to different image processing that where [sic] performed in any of the automatic or manual operation mode, and the element 63C represent[s] a "reflection mark", which indicated whether certain image quality correction has been performed at the camera. When the printer 100 reads the information from the memory 30, the printer determines if there is a reflection mark in the region 63C of the memory 30, and if the reflection mark is not present to indicate that a particular image processing has been performed to the image, the printer 100 would perform image processing to the image in accordance with the print information in the memory section 63B. If the reflection mark is present in the memory section 63C, the printer would not perform further image quality correction to the image data to avoid redundancy on the image processing. See col. 3, lines 66 - col. 4, line 12; col. 5, line 46 - col. 6, line 56; see also fig. 6)

(Paper No. 20081016, pages 6 and 7) However, whether "there is reflection mark" is information for preventing

the correction performed at the camera from being performed at a printer. The Examiner seems to assert that, in a broad sense, this may interpreted as a priority as to whether or not correction is to be performed. However, this does not **prioritize items of correction when correction is performed**. Therefore, the exemplary embodiments consistent with the claimed invention that include priority for determining the order of the items of correction are further distinguished from the Ichikawa patent. Thus, dependent claims 67-70 and 73-76 are patentable for at least this additional reason.

Conclusion

In view of the foregoing amendments and remarks, the applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, the applicant requests that the Examiner pass this application to issue.


Any arguments made in this amendment pertain **only** to the specific aspects of the invention **claimed**. Any claim amendments or cancellations, and any arguments, are made **without prejudice to, or disclaimer of**, the applicant's right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicant's remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicant's silence as to

assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicant that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicant reserves the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

January 19, 2009

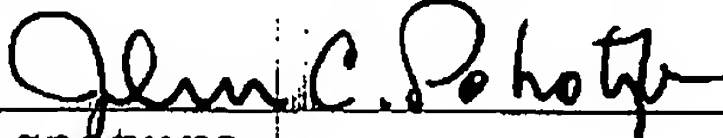

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